

**IN THE UNITED STATES DISTRICT  
COURT NORTHERN DISTRICT OF  
ILLINOIS EASTERN DIVISION**

AURELIO MONTANO,

Plaintiff,

Case No. 21-cv-06867

v.

Judge Nancy L. Maldonado

WEXFORD HEALTH SOURCES, INC.,  
TREVOR GREGERSON, LESLIE WILKING,  
and MARLENA HENZE,

Defendants.

**JOINT STATUS REPORT**

Per the Court's December 28, 2023 Order (Dkt. #68), Plaintiff Aurelio Montano ("Plaintiff") and Defendants Wexford Health Sources, Inc., Leslie Wilking, and Marlena Henze ("Defendants") respectfully inform the Court as follows:

Client Contact and Settlement: Plaintiff's counsel had an introductory call with Plaintiff on January 17, 2024 and has a follow-up call scheduled for February 15, 2024. Plaintiff's counsel met and conferred with Defendants' counsel on February 7, 2024. At that time, Defendants' counsel advised Plaintiff's counsel of this Court's request that the parties consider initial settlement negotiations and that prior recruited counsel had not been able to procure and deliver a demand. Plaintiff's counsel will confer with Plaintiff about proposing an initial settlement demand during their next call on February 15.

Medical Records: Defendants have received roughly 1,500 pages of Plaintiff's medical records in response to subpoenas issued to Illinois Department of Corrections and Stateville Correctional Center. Defendants shared these records with Plaintiff's counsel on February 5, 2024. Both parties are still reviewing these records. Based on Plaintiff's assessment of the records

thus far, they do not appear to contain emergency room records. Plaintiff intends to request emergency room records from St. Joseph's Hospital during discovery.

Service on Individual Defendants: Defendant Gregerson is the only named defendant who has yet to be served. Plaintiff ordered a skip trace on January 26, 2024 and twice attempted service of an alias summons on January 29, 2024 at Defendant Gregerson's last known Illinois address. On February 7, 2024, Defendants' counsel informed Plaintiff's counsel that they will not accept service on behalf of Defendant Gregerson because he is no longer a Wexford employee. Defendants' counsel agreed to provide Plaintiff's counsel with the last known available address in Utah. Plaintiff's counsel then attempted service at Defendant Gregerson's Utah address on February 7 but have not yet been notified as to whether service was successful.

Opening Discovery: The Court imposed a stay on discovery with a limited exception for the production of Plaintiff's medical records and any grievances. (Dkt. #54). This stay was entered prior in time to the individual defendants having been served and while Wexford's Motion to Dismiss was pending. However, the Court did permit limited discovery into the IDOC's records in order to facilitate settlement talks. Now that at least two of the three individual defendants have been served and their answers filed, the parties respectfully request the Court lift the discovery stay. Upon order of the Court, the Parties will submit a proposed case management plan for consideration.

Status Hearing: The parties are available for a status hearing at the Court's convenience to discuss any outstanding issues it desires to review.

Respectfully submitted,

AURELIO MONTANO,

By /s/ J. Erik Connolly  
One of His Attorneys

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Dated: February 9, 2023

WEXFORD HEALTH SOURCES,  
INC.; LESLIE WILKING; and  
MARLENA HAZE

By /s/ Bryan R. Findley  
One of Its Attorneys

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